

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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CLERK *AB*
SO. DIST. OF GA.

CASE NO. **CV 115-146**

RULE 26 INSTRUCTION ORDER

Federal Rule of Civil Procedure 26(f) requires the parties to confer, develop a proposed discovery plan, and submit a report to this Court. Subsequent to the filing of the report, a Scheduling Order must be entered pursuant to Fed. R. Civ. P. 16(b). Therefore, by the earlier of **twenty-one (21) days** after the filing of the last answer of the defendants named in the original complaint or **forty-five (45) days** after the first appearance by answer or motion under Fed. R. Civ. P. 12 of a defendant named in the original complaint, the parties shall confer as provided in Federal Rule 26(f). See L.R. 26.1(a).¹ Thereafter, within **fourteen (14) days** after the required conference held pursuant to Rule 26(f), the parties shall submit to the Court a written report conforming to the language and format of the Rule 26(f) Report attached to this Order outlining their discovery plan. See L.R. 26.1(b).

Except in unusually protracted or complex cases, the parties will be expected to adhere to the following deadlines and limitations:

1. The parties shall serve all written discovery on opposing parties and shall complete all depositions within **140 days** of the filing of the last answer of the defendants named in the original complaint. See L.R. 26.1(d)(i).
2. The plaintiff must furnish the expert witness reports required by Federal Rule 26(a)(2) within **60 days** after the Rule 26(f) conference. See L.R. 26.1(d)(ii).

¹ The Local Rules may be found on the Court's website at www.gasd.uscourts.gov.

3. The defendant must furnish the expert witness reports required by Federal Rule 26(a)(2) within **90 days** after the Rule 26(f) conference (or **60 days** after the answer, whichever is later). See L.R. 26.1(d)(iii).
4. The last day for filing motions to add or join parties or amend the pleadings is **60 days** after the first answer of the defendants named in the original complaint. See L.R. 16.3.
5. The last day for filing all other motions, excluding motions in limine, is **30 days** after the close of discovery. See L.R. 7.4.

Plaintiff's counsel, or, if applicable, the *pro se* plaintiff, shall ensure that a copy of this Order is served upon all parties. Finally, a party who cannot gain the cooperation of the other party in preparing the Rule 26(f) Report should advise the Court prior to the due date of the report of the other party's failure to cooperate.

SO ORDERED.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

_____ DIVISION

| | | |
|-----------|---|----------|
| |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | Case No. |
| |) | |
| |) | |
| |) | |
| Defendant |) | |

RULE 26(f) REPORT

1. Date of Rule 26(f) conference: _____
2. Parties or counsel who participated in conference:

3. If any defendant has yet to be served, please identify the defendant and state when service is expected.

4. Date the Rule 26(a)(1) disclosures were made or will be made:

5. If any party objects to making the initial disclosures required by Rule 26(a)(1) or proposes changes to the timing or form of those disclosures,

(a) Identify the party or parties making the objection or proposal:

(b) Specify the objection or proposal:

6. The Local Rules provide a 140-day period for discovery. If any party is requesting additional time for discovery,

- (a) Identify the party or parties requesting additional time:

- (b) State the number of months the parties are requesting for discovery:

months

- (c) Identify the reason(s) for requesting additional time for discovery:

_____ Unusually large number of parties

_____ Unusually large number of claims or defenses

_____ Unusually large number of witnesses

_____ Exceptionally complex factual issues

_____ Need for discovery outside the United States

_____ Other: _____

- (d) Please provide a brief statement in support of each of the reasons identified above:

7. If any party is requesting that discovery be limited to particular issues or conducted in phases, please

(a) Identify the party or parties requesting such limits:

(b) State the nature of any proposed limits:

8. The Local Rules provide, and the Court generally imposes, the following deadlines:

| | |
|---|---|
| Last day for filing motions to add or join parties or amend pleadings | 60 days after issue is joined |
| Last day to furnish expert witness report by plaintiff | 60 days after Rule 26(f) conference |
| Last day to furnish expert witness report by a defendant | 90 days after Rule 26(f) conference (or 60 days after the answer, whichever is later) |

Last day to file motions

30 days after close of
discovery

If any party requests a modification of any of these deadlines,

- (a) Identify the party or parties requesting the modification:

- (b) State which deadline should be modified and the reason supporting the request:

9. If the case involves electronic discovery,

- (a) State whether the parties have reached an agreement regarding the preservation, disclosure, or discovery of electronically stored information, and if the parties prefer to have their agreement memorialized in the scheduling order, briefly describe the terms of their agreement:

- (b) Identify any issues regarding electronically stored information as to which the parties have been unable to reach an agreement:

10. If the case is known to involve claims of privilege or protection of trial preparation material,

(a) State whether the parties have reached an agreement regarding the procedures for asserting claims of privilege or protection after production of either electronic or other discovery material:

(b) Briefly describe the terms of any agreement the parties wish to have memorialized in the scheduling order (or attach any separate proposed order which the parties are requesting the Court to enter addressing such matters):

(c) Identify any issues regarding claims of privilege or protection as to which the parties have been unable to reach an agreement:

11. State any other matters the Court should include in its scheduling order:

12. The parties certify by their signatures below that they have discussed the nature and basis of their claims and defenses and

the possibilities for prompt settlement or resolution of the case.
Please state any specific problems that have created a hindrance
to the settlement of the case:

This _____ day of _____, 20 .

Signed: _____
Attorney for Plaintiff

Attorney for Defendant